Administrative Obstruction in EU Medical Education: A Revised Legal Case Study from Semmelweis University

Abstract

This paper revises and expands the original case study on administrative obstruction at Semmelweis University, situating it within the wider framework of EU higher education law. The case, officially recorded as **Ombudsman Case No. EBF–AJBH–309–2025** and **Court Case No. 7, Kpk. 750.239/2025/2** concerns the denial of access to compulsory anatomy laboratories for a tuition-paying international student despite valid registration. Drawing on national law including the **Hungarian Higher Education Act 2011 (Act CCIV of 2011)**, the **General Administrative Procedure Act 2016 (Act CL of 2016),** and the **Whistleblower Protection Act 2023 (Act XXV of 2023)**, as well as institutional regulations **(SZMSZ Articles 5, 11, 13, 29, and 45)**, the case demonstrates how vague administrative practices facilitate obstruction and discrimination. At the EU level, the case engages the Charter of Fundamental Rights of the European Union, particularly **Article 21 on non-discrimination and Article 47** on the right to an effective remedy, as well as **Directive 2005/36/EC** on the recognition of professional qualifications. By integrating attrition data showing ***67.5% international dropout compared to 20% for domestic students***, and by documenting international acknowledgment from **ECFMG, WFME, and DFHERIS,** this paper argues that Hungary's medical training regime exposes systemic vulnerabilities across the EU. The analysis concludes with recommendations for EU-wide quality assurance, capacity-linked enrollment, and stronger whistleblower protections.

Introduction

Administrative obstruction is increasingly recognized as a structural risk within European higher education. It pertains to the discretionary or arbitrary application of administrative classifications and procedures to impede students' lawful access to mandatory components of their curricula. Within the **European Higher Education Area**, such practices undermine transparency, equitable treatment, and the credibility of professional qualifications. The case of Semmelweis University serves as a paradigmatic illustration. Despite fulfilling tuition and registration requirements, the complainant was denied access to dissection laboratories—a compulsory element of anatomy training—based on FM/CV registration status. This requirement was imposed without a legal foundation in the university's **Study and Examination Regulations (SZMSZ)**, thereby contravening established guarantees of equal access. The case has since been formally acknowledged by the **Hungarian Ombudsman (Case EBF–AJBH–309–2025)** and the **Budapest Administrative Court (Case 7. Kpk . 750.239/2025/2)**. This paper reexamines the case, situating it within the framework of Hungarian statutory law and **European Union legal standards**, and posits that the incident exposes systemic vulnerabilities in the enforcement of educational rights throughout the EU. The introduction outlines the methodological approach of this analysis: **doctrinal review of Hungarian and EU law**, integration of administrative data on attrition, and reference to international recognition by regulatory authorities.

Case Background

The complainant, **Mr. Siddhartha Harsh Wardhan**, a dual citizen of the United States and the European Union, was enrolled at Semmelweis University under the FM/CV registration status. In **February 2025**, the Head of the Department of Anatomy, **Dr. Andrea Székely**, issued an instruction requiring him to revoke a previously earned course signature as a prerequisite for attending anatomy dissection laboratories. This directive lacked any basis in the **Study and Examination Regulations (SZMSZ**),

which explicitly guarantee equal access for all registered students.[1] Despite repeated efforts to resolve the matter internally, including communications with the Vice-Rector for International Studies, Professor Dr. Alán Alpár, the denial persisted. On **June 26, 2025**, Mr. Wardhan was compelled to sit the final anatomy examination without having received the mandated laboratory practice, thereby denying him fair preparation.[2] The issue was formally escalated to the **Hungarian Ombudsman (Case No. EBF–AJBH–309–2025**) and subsequently to the Budapest Administrative Court (Case No. 7. Kpk . 750.239/2025/2).[3] These submissions included appendices documenting suppression of whistleblower disclosures **(Appendix A),** overcrowding and irregular attendance (**Appendix B**), policy violations by faculty members (**Appendix C),** inadequate anatomical specimens (**Appendix D**), selective enforcement of disciplinary rules **(Appendix E**), and administrative correspondence (**Appendix F).**[4] Collectively, these evidentiary appendices demonstrate that the obstruction was neither accidental nor isolated but indicative of a systemic administrative pattern.

[1] Semmelweis University SZMSZ, Arts 5 and 11 (2024 Edition).
[2] S H Wardhan, *Denied Access to the Scalpel for Dissecting the Specimen* (2025) Appendix D.
[3] Ombudsman Case No. EBF–AJBH–309–2025; Budapest Administrative Court Case No. 7. Kpk . 750.239/2025/2.
[4] S H Wardhan, Appendices A–F, *Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University* (2025).

Legal Framework

The legal framework governing this case operates across three interconnected levels: Hungarian national law, internal university regulations, and supranational EU and international standards. Each layer establishes clear obligations that were disregarded in the present case.

At the national level, the **Hungarian Higher Education Act (Act CCIV of 2011)** guarantees equal access to education and prohibits discrimination on grounds including nationality or registration status.[1] The

General Administrative Procedure Act (Act CL of 2016) further requires that all administrative measures comply with principles of transparency, predictability, and legality.[2] The **Whistleblower Protection Act (Act XXV of 2023**), implementing **Directive 2019/1937**, provides that individuals disclosing breaches of law in the public interest cannot face retaliation.[3]

At the institutional level, **Semmelweis University's Study and Examination Regulations (SZMSZ, 2024 edition)** set out the rights and obligations of students. **Articles 5 and 11 guarantee equal treatment** and access to compulsory practicals; Article 13 governs re-registration; Article 29 regulates signatures; and Article 45 defines conditions for progression to the Absolutorium.[4] None of these provisions permit the revocation of a signature or exclusion from compulsory laboratories based on FM/CV status.

At the EU level, the **Charter of Fundamental Rights of the European Union** establishes binding rights: Article 21 prohibits discrimination on grounds including nationality. At the same time, Article 47 guarantees an effective remedy before a tribunal.[5] Directive 2005/36/EC on the recognition of professional qualifications further requires that qualifications obtained in one Member State be based on transparent and non-discriminatory training conditions.[6] The European Standards and Guidelines for Quality Assurance in Higher Education (ESG) require adequate resources (Standard 1.6) and fair assessment (Standard 1.3), while the World Federation for Medical Education (WFME) mandates sufficient facilities and equal access for all registered students.[7]

Taken together, this framework demonstrates that both Hungarian and EU law, as well as international standards, were breached by the denial of laboratory access and the inconsistent application of FM/CV status.

[1] Act CCIV of 2011 on National Higher Education (Hungary).

[2] Act CL of 2016 on General Administrative Procedure (Hungary).

[3] Act XXV of 2023 on Complaints and Whistleblower Protection

(Hungary).

[4] Semmelweis University, SZMSZ (Study and Examination Regulations, 2024 English edition), Articles 5, 11, 13, 29, 45.

[5] Charter of Fundamental Rights of the European Union [2012] OJ C326/391, Arts 21, 47.

[6] Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications [2005] OJ L255/22.

[7] ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (3rd edn, Brussels 2015); WFME, *Standards for Basic Medical Education* (Copenhagen 2015).

Evidence of Administrative Obstruction: Semmelweis University

The **evidentiary record supporting the claim of administrative obstruction** is extensive and is contained in six appendices filed before the Hungarian Ombudsman and Administrative Court. These appendices, together with contemporaneous correspondence and independent studies, reveal systemic breaches of Hungarian and EU law.

Appendix A documents the suppression of whistleblower disclosures. Posts informing fellow students of the Ombudsman case were deleted from online groups under the pretext of 'advertising'. This constitutes suppression of protected speech under the **Hungarian Whistleblower Protection Act (Act XXV of 2023).[1]**

Appendix B addresses **overcrowding and attendance irregularities**. Official emails from university staff acknowledged that room capacity was inadequate for the number of enrolled students. Rather than limiting

admissions, the university imposed arbitrary exclusion on certain groups, in breach of Act CCIV/2011 and ESG Standard 1.6 on adequate resources.[2]

Appendix C contains the directive of Dr Andrea Székely (February 2025), requiring the complainant to revoke a previously earned signature as a precondition for attending dissection classes. This demand contravenes SZMSZ Articles 5, 11, 29, and 45, and constitutes an ultra vires act.[3]

Appendix D presents photographic documentation of deficient anatomical specimens, showing missing structures, poor preservation, and mislabelling. These materials were used in graded examinations, violating **ESG Standard 1.3 on fair assessment**, **WFME resource standards**, and **Article 21 of the EU Charter (non-discrimination**).[4]

Appendix E highlights selective enforcement of conduct policies. While some students' infractions were tolerated, FM/CV students were penalised with exclusion, illustrating inconsistent application of rules and indirect discrimination.[5]

Appendix F compiles administrative correspondence, including the **July 14, 2025,** letter from **Vice-Rector Dr Alán Alpár, which declined to address the substance of the complaint**. This pattern of vague replies and institutional silence exemplifies administrative obstruction.[6]

Together, these appendices establish a pattern of obstruction that is systemic rather than accidental, implicating both individual faculty decisions and institutional policy failures.

[1] **Appendix A** – Suppression of Whistleblower Disclosure, in S H Wardhan, *Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University* (2025).
[2] **Appendix B** – Overcrowding and Attendance Irregularities, ibid.
[3] **Appendix C** – Directive of Dr Székely, February 2025, ibid.
[4] **Appendix D** – Photographic Documentation of Deficient Specimens, in S H Wardhan, *Specimen Deficiency as Educational Obstruction: A Legal

Case Study* (2025).
[5] **Appendix E** – Selective Enforcement of Conduct Policy, in Wardhan (n 1).
[6] **Appendix F** – Administrative Correspondence and Timeline, ibid.

Doctrinal Analysis

The legal significance of the Semmelweis case can be illuminated by reference to the jurisprudence of the **European Court of Human Rights (ECHR)** and the **Court of Justice of the European Union (CJEU**). These authorities establish that the right to education in Europe is both substantive and enforceable, and that discrimination in higher education constitutes a breach of EU law.

The ECHR has consistently interpreted the right to education under Article 2 of Protocol No. 1 of the **European Convention on Human Rights** as requiring access that is **'practical and effective'**. In "**Kjeldsen, Busk Madsen and Pedersen v Denmark"** (1976) 1 EHRR 711, the Court confirmed that higher education falls within the scope of protection, and that restrictions must be proportionate.[1] This principle was reaffirmed in "Leyla Şahin v Turkey" (2005) 44 EHRR 5, where the Grand Chamber held that higher education, once provided, must be accessible on equal terms.[2] The arbitrary denial of anatomy laboratory access to a registered student at Semmelweis, without legal basis, cannot be justified as proportionate.

The CJEU has similarly emphasized equal treatment in higher education under EU law. In "**Grzelczyk v Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve"(Case C-184/99) [2001] ECR I-6193,** the Court held that Union citizenship guarantees students the right to equal treatment with nationals in relation to education access.[3] In "**Blaizot v University of Liège" (Case 24/86) [1988] ECR 379,** the Court found that higher education constitutes a 'service' within the meaning of the Treaty, thereby engaging free movement and non-discrimination provisions.[4] The exclusion of international FM/CV students from practical classes at Semmelweis constitutes indirect discrimination contrary to Article 21 of the EU Charter.

Taken together, this jurisprudence confirms that administrative obstruction of lawful student rights is incompatible with European human rights and EU law standards. The Semmelweis case, therefore, exemplifies not only a breach of Hungarian statutory law but also a violation of supranational obligations binding on Member States.

[1] *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) 1 EHRR 711.

[2] *Leyla Şahin v Turkey* App no 44774/98 (ECtHR, November 10, 2005).

[3] *Grzelczyk v Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve* (Case C-184/99) EU:C:2001:458, [2001] ECR I-6193.

[4] *Blaizot v University of Liège* (Case 24/86) EU:C:1988:43, [1988] ECR 379.

Systemic Context

The Semmelweis case must be understood within the broader systemic context of Hungarian medical education. Independent administrative data show that international students face disproportionately high dropout rates, raising significant questions about equality and fairness. A 2022 study by **Pusztai et al., published in "BMC Medical Education",** analyzed a national cohort of 2,391 medical students who started in 2010 and were followed through 2017. The study found that nearly 48% of students did not graduate, but the dropout rate varied greatly by citizenship status: about **67.5% of international students dropped out, compared to only around 20% of Hungarian state-funded students**. Regression analysis identified self-financing status and slow credit accumulation as strong predictors of non-completion, both of which disproportionately impact international students. These findings suggest that denying access to anatomy laboratories at Semmelweis isn't merely an isolated mistake but rather part of a systemic

disadvantage. When tuition-paying international students are excluded from resources critical for exam success, it exacerbates an existing attrition gap. This situation risks violating **Article 21 of the EU Charter of Fundamental Rights**, which bans inequality based on nationality, and suggests Hungarian institutions may be breaching both national and EU obligations to ensure fair and transparent education.

[1] G Pusztai, Z Demeter-Karászi, E Alter and F Szabó, 'Administrative data analysis of student attrition in Hungarian medical training' (2022) 22 *BMC Medical Education* 317 <https://doi.org/10.1186/s12909-022-03276-z>.
[2] ibid.

International Acknowledgment

The gravity of the Semmelweis case is further underscored by its acknowledgment from international oversight bodies, which confirms that the issue has cross-border implications. Following the exhaustion of internal remedies, the complainant submitted the case to the **Educational Commission for Foreign Medical Graduates (ECFMG)** in the United States. On **July 22, 2025, ECFMG** confirmed receipt of the full set of appendices (A–F), formally accepting them into its records.[1] The **World Federation for Medical Education (WFME)** and the **Foundation for Advancement of International Medical Education and Research (FAIMER**) redirected the case to the **Hungarian Accreditation Committee (MAB)**, which acknowledged receipt and indicated that review would follow within 30 days.[2] In addition, the **Irish Department of Further and Higher Education, Research, Innovation and Science (DFHERIS)** formally acknowledged the case in August 2025 based on the complainant's Irish citizenship, although jurisdictional limits were noted.[3]

These acknowledgments demonstrate that the Semmelweis case cannot be dismissed as a purely domestic grievance. By entering the records of accreditation and regulatory authorities in the United States, Europe, and Ireland, the case has established transnational visibility. This, in turn,

underscores the potential risk to Hungary's compliance with EU and international accreditation standards if systemic issues are not addressed.

[1] Correspondence from Samantha Aouad, Special Investigations Case Manager, ECFMG, July 22, 2025, acknowledging Appendices A–F.
[2] WFME/FAIMER referral to Hungarian Accreditation Committee (MAB), July 2025.
[3] Email acknowledgment from Tatiana Ogredi, Clerical Officer, DFHERIS, August 1, 2025.

Policy Recommendations

The findings of this case study and its broader European context point to the urgent need for reforms at multiple levels of governance. The following recommendations are offered to ensure compliance with Hungarian, EU, and international standards:

1. National Level (Hungary):

- Amend the Higher Education Act (CCIV/2011) to explicitly guarantee equal access for FM and CV registered students, clarifying that such status does not limit participation in compulsory practicals.[1]

- Introduce independent audits of anatomy specimens and laboratory resources, ensuring compliance with ESG 1.6 (adequate resources) and SZMSZ obligations.[2]

- Establish a statutory requirement for universities to publish annual attrition and capacity data to promote transparency.

2. Institutional Level (Semmelweis University):
- Implement clear written policies on **FM/CV registration and signatures**, prohibiting retroactive revocation of academic rights.[3]
- Publish internal quality assurance logs of teaching resources, including specimen inventories and condition reports.
- Strengthen student grievance procedures with timelines for response, in compliance with **Act CL/2016 on Administrative Procedure.**

3. EU Level:
- The European Commission should mandate publication of attrition and resource audit data as part of Erasmus+/EHEA oversight.[4]
- Incorporate explicit enforcement mechanisms into EU higher education directives, allowing for infringement procedures where systemic obstruction is shown.
- Support the creation of an **EU Student Ombudsman** to handle cross-border cases of discrimination and obstruction.

4. International Level:
- WFME and ECFMG should require documentation of national QA audits and specimen quality assurance as conditions for continued recognition of medical schools.[5]
- **International oversight bodies** should issue advisories where systemic attrition and obstruction are identified, alerting prospective students to risks.

By implementing these recommendations, Hungary and the EU can address the systemic vulnerabilities highlighted by the Semmelweis case and ensure that international students are not subject to discriminatory obstruction.

[1] Act CCIV of 2011 on National Higher Education (Hungary).
[2] ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (3rd edn, Brussels 2015).
[3] Semmelweis University SZMSZ (Study and Examination Regulations, 2024 Edition).
[4] European Commission, Erasmus+ Programme Guide (2023).
[5] WFME, *Standards for Basic Medical Education* (Copenhagen 2015); ECFMG, *International Medical Education Recognition Program* (2020).

Conclusion

The Semmelweis University case vividly illustrates how administrative barriers can weaken educational rights within the European Union. By denying lawful access to required anatomy laboratories, enforcing inconsistent FM/CV rules, and using substandard specimens in assessments, the university violated both **Hungarian law and EU obligations**. The evidence in Appendices A–F shows that these practices were neither accidental nor isolated but indicative of broader failures in governance and oversight.

The **doctrinal analysis** reveals that such obstruction breaches established jurisprudence of both the **ECHR and the CJEU**. International attrition data further indicate that international students face disproportionate disadvantages in **Hungarian medical education**, increasing the risk of indirect discrimination against **Article 21 of the EU Charter of Fundamental Rights**. Recognition by organizations such as **ECFMG, WFME, and DFHERIS** underscores its cross-border importance and potential influence on accreditation standards.

The proposed recommendations—including national reforms, institutional policies, EU enforcement, and international oversight—offer a clear path to address these systemic issues. Inaction, however, risks continuing discrimination, damaging student rights, and eroding trust in the European Higher Education Area. The Semmelweis case is therefore not just a personal grievance but a legal and policy challenge to the EU, demanding greater transparency, accountability, and true equality of access in higher education.

Bibliography

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6. ENQA, "Standards and Guidelines for Quality Assurance in the European Higher Education Area" (3rd edn, Brussels 2015).
7. WFME, "Standards for Basic Medical Education" (Copenhagen 2015).
8. European Commission, Erasmus+ Programme Guide (2023).

9. "Kjeldsen, Busk Madsen and Pedersen v Denmark"(1976) 1 EHRR 711.

10. "Leyla Şahin v Turkey" App no 44774/98 (ECtHR, November 10, 2005).

11. "Grzelczyk v Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve » (Case C-184/99) EU:C:2001:458, [2001] ECR I-6193.

12. "Blaizot v University of Liège" (Case 24/86) EU: C:1988:43, [1988] ECR 379.
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14. S H Wardhan, "Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University" (2025).

15. S H Wardhan, "Ghost Students: The Legal Fiction of FM and CV Status at Semmelweis University" (2025).

16. S H Wardhan, "Denied Access to the Scalpel for Dissecting the Specimen: A Legal Case Study of Academic Obstruction at Semmelweis University" (2025).

17. S H Wardhan, "Specimen Deficiency as Educational Obstruction: A Legal Case Study in Hungarian Medical Education" (2025).

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19. Correspondence from Samantha Aouad, Special Investigations Case Manager, ECFMG, July 22, 2025.

20. WFME/FAIMER referral to Hungarian Accreditation Committee (MAB), July 2025.

21. Email acknowledgment from Tatiana Ogredi, Clerical Officer, DFHERIS, August 1, 2025.